

REMARKS

Applicants have carefully reviewed the Final Office Action ("Action") dated December 12, 2008. Claims 1-25 are pending in this application. Claims 1-16 stand rejected under 35 U.S.C §103(a) as being unpatentable in view of U.S. Patent No. 7,103,653 to Iwatani (hereinafter "Iwatani") and U.S. Patent No. 5,940,819 to Beavin et al. (hereinafter "Beavin"). Claims 17-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable in view of Iwatani, Beavin, and U.S. Patent No. 5,825,772 to Dobbins et al. (hereinafter "Dobbins"). Claims 1, 2, 5, 7, 10, 11, 15, 16, 18, 19, 21, 22, 24 and 25 are currently amended to improve form. The claim amendments are fully supported by the originally-filed Specification, therefore, no new matter is added.

Independent claims 1, 11, and 15, recite, among other things, "SAN logical access paths defining end-to-end access relationships between an application on a server ... and data LUNs stored on storage devices in the SAN", the logical access paths having "an associated set of logical access path attributes consisting of at least one of a number of hops within a valid logical access path, a level of end-to-end redundancy for a valid logical access path, and a number of allocated ports for a valid logical access path", "defining a state of the SAN based on SAN logical access path attribute values associated with the SAN logical access paths", and "comparing the identified SAN logical access paths and computed access path attribute values with the list of valid access paths and associated set of access path attributes for the valid access paths in the SAN access path policy to identify any logical access path discrepancies or violations, thereby validating the state of the SAN".

Applicants respectfully traverse and request reconsideration of the rejections in light of the comments below.

The combination of Iwatani and Beavin does not describe, teach, or suggest "logical access path attributes" as recited in independent claims 1, 11, and 15

The combination of Iwatani and Beavin fail to teach logical access path attributes "consisting of at least one of a number of hops within a valid logical access path, a level of end-to-

end redundancy for a valid logical access path, and a number of allocated ports for a valid logical access path" as recited in independent claims 1, 11, and 15.

However, the Examiner states that "Iwatani teaches the invention substantially as claimed" (Action, Page 2) but that "Iwatani fails to teach explicitly logical access path attributes" as recited in claims 1, 11, and 15 (Action, Page 3). The Examiner also states that "Beavin teaches logical access path attributes (column 9, lines 32-41)" (Action, Page 3) and that "Beavin discloses determining an access path using these fields (i.e. "attributes" ...)" (Action, Page 4).

Applicants strongly disagree.

"All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)". MPEP §2143.03.

In making the rejections of independent claims 1, 11, and 15 using the combination of Beavin and Iwatani, the Examiner is not giving patentable weight to Applicants' claim language. In particular, the Examiner is not giving any patentable weight to "logical access paths" having "an associated set of logical access path attributes consisting of at least one of a number of hops within a valid logical access path, a level of end-to-end redundancy for a valid logical access path, and a number of allocated ports for a valid logical access path" in claims 1, 11, and 15.

Applicants have reviewed the cited passages of Beavin (see Abstract, and Column 5, lines 6-8, Column 8, lines 44-52, Column 9, lines 31-41 in Beavin), and Beavin as a whole, and find no teaching of logical access paths or logical access paths attributes as recited in claims 1, 11, and 15. Beavin's access paths are merely query data access paths in a relational database management system. Therefore, the so-called "attributes" mentioned in Beavin, including "PLAN_TABLE: METHOD, CREATOR, TNAME, ... , PGROUP_ID" (Beavin, Column 9, Lines 32-41) cannot possibly be attributes, including "a number of hops", "a level of end-to-end redundancy", or "a number of allocated ports", of the logical access paths recited in independent claims 1, 11, and 15. In fact, such logical access path attributes simply do not exist for the query access paths in Beavin's relational database management system because logical access attributes such as the "a number of

hops" or "a level of end-to-end redundancy" or the "number of allocated ports" for a valid logical access path, as recited in claims 1, 11, and 15, cannot be defined for Beavin's query access paths, merely a series of operations for implementing a SQL command.

Consequently, the combination of Iwatani and Beavin fails to teach, describe, or suggest each and every limitation of claims 1, 11, and 15 as required by 35 U.S.C § 103(a), and a prima facie case of obviousness has not been made. MPEP § 2143.03. For at least these reasons, claims 1, 11, and 15 are allowable, and the 35 U.S.C. §103(a) rejections of claims 1, 11, and 15 should be withdrawn.

Combining Iwatani in view of Beavin would not predictably result in the subject matter in claims 1, 11, and 15

"The mere fact that references can be combined or modified does not render the resultant combination obvious unless ****>**the results would have been predictable to one of ordinary skill in the art. *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007)". MPEP §2143.01. "The rationale to support a conclusion that the claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. *KSR*, 550 U.S. at ___, 82 USPQ2d at 1395." MPEP §2143.01.

One of ordinary skill in the art would not be able to apply the teachings of query access paths in Beavin to modify Iwatani to obtain the claimed subject matter recited in Applicants' claims 1, 11, and 15. It is a stretch to imagine one skilled in the art to use Beavin's description of query access paths to modify Iwatani's teachings of logical access paths because these two notions of access paths are distinct and mutually exclusive. It simply would not make sense to equate query access paths to logical access paths. Clearly, Beavin teaches query access paths in a relational database management system, as opposed to logical access paths in a storage area network that define "end-to-end access relationship between an application on a server and data LUNs stored on

storage devices in a storage area network". It follows that the results obtained by one of ordinary skill in the art modifying Iwatani in view of Beavin are not predictable, and therefore, cannot possibly be obvious. Furthermore, as neither Beavin nor Iwatani teach, describe, or suggest computed access path attribute values such as "a number of hops", "a level of end-to-end redundancy", or "a number of allocated ports", and comparing access paths and access path attributes "with the list of valid access paths and associated set of access path attributes for the valid access paths in the SAN access path policy to identify any logical access path discrepancies or violations", modifying Iwatani in view of Beavin would not have resulted in the claimed subject matter in claims 1, 11, and 15.

Nonetheless, logical access paths with logical access path attributes such as "a number of hops", "a level of end-to-end redundancy", or "a number of allocated ports" are specifically recited in independent claims 1, 11, and 15. Therefore, Beavin and Iwatani, taken alone or in combination, do not teach logical access paths having "an associated set of logical access path attributes consisting of at least one of a number of hops within a valid logical access path, a level of end-to-end redundancy for a valid logical access path, and a number of allocated ports for a valid logical access path" as recited in claims 1, 11, and 15.

Therefore, Iwatani and Beavin, taken alone or in combination, fail to teach, describe, or suggest the subject matter of claims 1, 11, and 15, and as required by 35 U.S.C § 103(a), and a prima facie case of obviousness has not been made. MPEP § 2143.03. For at least these reasons, claims 1, 11, and 15 are allowable, and the 35 U.S.C. §103(a) rejections of claims 1, 11, and 15 should be withdrawn.

Claims 2-10, 12-14, and 16-25 variously depend from, and add limitations to, independent claims 1, 11, and 15. Therefore, the 35 U.S.C. §103(a) Rejections of these claims should be withdrawn too.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the pending application is in condition for allowance.

Applicants believe that no fee is due with this response other than those indicated on the attached Transmittal Forms. However, if additional fees are due, please charge our Deposit Account No. 18-1945, under Order No. ONAR-P01-001 from which the undersigned is authorized to draw.

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Respectfully submitted,

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